

Town of Los Altos Hills

City Council Regular Meeting Minutes

March 26, 2009

Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Mordo called the City Council Regular Meeting to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky,
Councilmember Breene Kerr, Councilmember Rich Larsen, and
Councilmember Ginger Summit

Absent: None

Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, City Attorney Steve Mattas, Parks and Recreation Supervisor Eric Christensen and City Clerk Karen Jost

APPOINTMENTS AND PRESENTATIONS

1. Customer Service Report – GreenWaste Recovery, Inc

Emily Hanson, Community Relations Manager, GreenWaste Recovery, thanked the City Council for the opportunity to provide an update on the company's customer service performance. The company began garbage service to residents on October 1, 2008. Hanson noted that the company was committed to providing exceptional service to residents; offering residents low rates; recovering the greatest variety of materials; achieving the highest diversion rate; and, becoming part of, and supporting the Los Altos Hills community.

Hanson reviewed the company's diversion rates and cited an increase of 21% from the previous hauler. The estimated diversion rate for Los Altos Hills was 85%. Hanson provided an overview of the processing lines used at their material recovery facility offering that it was a key factor in the increase in the diversion rate.

Hanson reported that the first Townwide Clean-up event held in October had been very successful. 91.47 tons of material had been collected. Additionally, the Fire Prevention/Yard Trimming Clean-up events scheduled monthly under the sponsorship of the Los Altos Hills County Fire Protection District had collected 35.47 tons of yard waste from District residents.

In the company's efforts to provide superior customer service, on-route Geocodes had been installed in their trucks to ensure that drivers were aware of work-orders as they approach a residence. GreenWaste had also been performing street sweeping services in Town.

In concluding her report, Hanson noted that GreenWaste's outreach to the community included participation in the Town's Earth Day events both at Westwind Barn and with the schools.

Council thanked Hanson for her report and the company's commitment to providing good service to the Town's residents.

2. Appointments to the New Standing Water Conservation Committee (10 vacancies)

Council had before them applications from nine residents interested in appointment to the new Standing Water Conservation Committee. Prior to their vote, City Attorney Steve Mattas advised the Council that if the Council was inclined to appoint the two applicants currently serving on the Purissima Hills Water District Board, that the appointments should be conditional on his review of the "Doctrine of Incompatible Offices" to ensure that their elected positions were not jeopardized by the appointment. Additionally, the City Attorney would review the feasibility of the two applicants serving in an "ex officio" role on the Committee if it was determined that the appointment was incompatible.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Warshawsky and passed unanimously to appoint the following residents to the Water Conservation Committee for terms of four years: Ray Collins, Peter Evans, Lysbeth Goodman, John Harpootlian, Pat Ley, Sue Welch and Jean Struthers. As part of the same motion, Brian Holtz and Gary Waldeck were conditionally appointed to the Standing Committee subject to a determination by the City Attorney if the appointment was compatible with their elected offices as Directors of the Purissima Hills Water District.

CONSENT CALENDAR

MOTIONED SECONDED AND CARRIED: Moved by Warshawsky, seconded by Summit and passed unanimously to approve the items on the consent calendar, specifically:

3. Approval of Meeting Minutes: City Council Regular Meeting – February 26, 2009
4. Review of Disbursements: February 1, 2009 – February 28, 2009 \$842,626.35
5. Acceptance of Pathway Easement: Lands of Rizzi, 12615 Miraloma Way
(Staff: R. Chiu) Resolution No. 13-09
6. Irrevocable Offer of Dedication of Right-of-Way: Lands of Rizzi, 12615 Miraloma Way
(Staff: R. Chiu) Resolution No. 14-09

- 7 Acceptance of Right-of-Way: Lands of Ebeid; 28160 Story Hill Lane
(Staff: R. Chiu) Resolution No.15-09
8. Acceptance of Open Space Easement: Lands of Somasundaram,
12444 Windsor Court (Staff: D. Pedro) Resolution No. 16-09

PRESENTATIONS FROM THE FLOOR

Nancy Ginzton, resident, Town representative to the VTA Bicycle and Pedestrian Advisory Committee, informed Council that the pathway she had proposed to the agency on Moody Road near Hidden Villa had been included on a list of priority projects for the VTA.

Behrooz Mohazzabi, resident, addressed Council. He requested Council consideration of re-agendizing for additional discussion, his proposal for a new reimbursement policy. He believed the current policy was flawed and unfair and would fail. Mohazzabi did not believe the Council had a clear understanding of the proposal he had made at a previous meeting.

Mayor Mordo thanked Mr. Mohazzabi for his comments and noted that Council would take his request under advisement and if there was a consensus, it would be agendized.

PUBLIC HEARINGS

9. Consideration of Rezoning of Unincorporated La Loma Drive Area: Approximately 11 parcels (12.79 acres) bounded by the Town of Los Altos Hills to the west, north, east, and to the south encompassing 25263, 25265, 25225, 25245, 25255, 25303, 25295, 25299, 25285, 25275 and 25274 La Loma Drive and Consideration of Adoption of Mitigated Negative Declaration. (Staff: D. Pedro).

City Council Ex Parte Contacts Disclosure:

Mayor Pro Tem Warshawsky: reported that he had exchanged email correspondences with property owners in the affected neighborhood.

Councilmember Larsen: reported that he had exchanged email correspondence with property owners in the neighborhood.

No additional contacts were reported.

Planning Director Debbie Pedro introduced the item to Council. She summarized the impetus for the pre-zoning request. On May 18, 2008, the Town received an annexation request from Jayesh and Vaishali Shah (25274 La Loma Drive). The property was located within an unincorporated pocket of 11 properties within the Town's Urban Service Area. The area is entirely surrounded by the Town and is one of the seven unincorporated pockets identified in the Town's General Plan as areas subject to future annexation.

In December, 2008 staff had made a presentation to the Council regarding requests for annexation and the Town's sewer capacity and availability. At that time, there had been a general consensus of Council, that it was preferable for neighborhoods or small pockets to be annexed as a group rather than single properties (parcels). Council concurred that they would not restrict annexation of the smaller, identified pockets but preferred to wait for the data from the flow meters before moving forward with annexation of the larger pockets. Additionally, at the December meeting, Mr. Jayesh Shah on La Loma Court had requested Council consideration of annexing his property at 25274 La Loma Drive to enable him to connect to the Town's sewer line. Pedro explained that pre-zoning was a requirement of annexation.

Pedro proceeded with a PowerPoint presentation. It included: a map of the Town including the unincorporated County pockets, Sphere of Influence areas and Urban Service Area boundaries; a parcel map of the La Loma Drive "pocket" of eleven properties and their lot sizes (all exceeded 1 acre) and were single family homes; and an aerial view of the La Loma area.

Pedro reported that at the Planning Commission hearing on March 5, 2009, several property owners within the unincorporated pocket had spoken against the potential future annexation. They had expressed concerns about increased taxes and higher development permit fees. In response to their inquiries, staff had prepared an informational handout on the most "Frequently Asked Questions About Annexations." It had been mailed to the property owners. For reference, Council had a copy of the handout before them on the dais.

Pedro reviewed the Planning Commission's recommendation with Council to singularly prezone the Lands of Shah and not the remainder of the island properties. The Planning Commission at the time of their review was not aware of the Town's promise to the County to work in good faith to annex the remaining pockets in the Town's Sphere of Influence. The Board of Supervisors' support on TEA (Tax Equity Allocation Funding) was clearly predicated on the Town's continuous commitment to pursue annexation of the unincorporated lands in the County within the Town's Sphere of Influence. TEA returned a significant amount of tax revenue from the County to the Town.

In conclusion, Pedro advised that the rezoning proposal was in conformance with the policies of the Town's General Plan and Zoning Ordinance. If the rezoning was approved by Council, it was estimated that the annexation process would take 5-8 months to complete.

Council Discussion:

Mayor Mordo questioned if an additional property could be added to the annexation. He understood that this would require a separate hearing but suggested that it would make sense to include the 8.94 acre parcel on La Loma Drive. Pedro explained that rezoning of the identified parcel could be noticed and scheduled for a hearing and if Council directed, they could be annexed simultaneously.

Councilmember Larsen requested confirmation that the properties in the pocket were receiving the same services as Town residents. Pedro commented that they were.

Councilmember Summit requested clarification of what level of improvements (change) to a property initiated the requirement that the home be brought into compliance with the Town's zoning requirements. Pedro explained that the annexed properties would be considered legal non-conforming as long as the improvements had been approved and permitted by the County. Per the Town's "legally non-conforming ordinance", generally, a 50% alteration to the floor area or exterior walls of the portion of the property that was nonconforming triggered the conformity requirement.

OPENED PUBLIC HEARING

Wayne Kelly, La Loma Drive (unincorporated), stated that he opposed the annexation. He distributed a list of questions that he stated had been sent via email without a response. He noted that at the last hearing, his neighbors with the exception of Shah, had opposed the rezoning. Kelly did not see the need for annexation to hook-up to sewer, noting that his property was part of a Sewer Assessment District and was served by a sewer line.

Jayesh Shah, La Loma Drive, supported the annexation and spoke to his interest to connect to sewer.

CLOSED PUBLIC HEARING

Council Discussion:

Council consensus was to support the rezoning. They offered that the action was appropriate and supported the ultimate annexation citing the commitment to the County. Council empathized with the neighbors' concerns and acknowledged that change could be difficult but that the annexation would ultimately be beneficial. Council encouraged Staff to answer questions posed by the concerned neighbors.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Kerr and passed unanimously to adopt the Mitigated Negative Declaration, waive reading and introduce the Ordinance rezoning the unincorporated La Loma Drive pocket to the Residential-Agricultural Zoning District; and, giving direction to staff to initiate annexation of the eleven (11) parcels in the unincorporated La Loma Drive pocket.

Council directed staff to commence the process for rezoning of the 8.94 acre parcel on La Loma Drive.

UNFINISHED BUSINESS

10. Update on Town Goals

- Emergency Preparedness

No report given.

- Environmental Initiatives

10A. Status Report on PG&E Performance Rebate Program for Town Hall
Solar Tracker Project (Verbal Report-Staff: N. Pegueros)

Finance Director Nick Pegueros introduced this item to Council. He reported that the Environmental Initiatives Committee had been monitoring a variety of energy savings projects that have been incorporated into Town Hall. The report before Council pertained to the PG&E Performance Rebate Program for the installation of solar trackers. The trackers had been installed at Town Hall in 2007 at a cost of \$88,529.

Pegueros reviewed energy costs for Town Hall with Council. Town Hall facilities included the Parks and Recreation Center, Town Hall and Chambers, the Heritage House and cell tower. The annual electricity cost for the facility was \$15,400. The value of the Photovoltaic (PV) generated power was \$8,200 with the true electric costs (bill) per year of \$ 7,200. Given the Town's participation in the PG&E performance rebate program as a result of the installation of the solar trackers, there was a net benefit to the Town of approximately \$1,800 annually. It was noted that the trackers generated approximately 31% of the PV's output. Pegueros offered that the solar tracker project had been a very advantageous project with a positive financial return to the Town and benefit to the environment.

Staff reported that they were requesting an audit of the cell towers energy consumption from PG&E to ensure that they were paying their fair share of the energy costs at Town Hall. Staff would forward the results of the audit to Council.

- Parks and Recreation Assets and Programs

10B. Status Report on Edith Park Improvements (Staff: D. Pedro)

Planning Director Debbie Pedro summarized the report before Council. On December 13, 2007, the City Council authorized staff to conduct a planning study for landscaping and recreation improvements to Edith Park and appropriated \$20,000 for the project. For the past twelve months, Edith Park has been used by the Santa Clara Valley Water District as a staging area for the Adobe Creek Upper Reach 5 project. Given the recent completion of the creek improvement project, Town staff will now move forward with the project and engage a landscape designer/contractor to develop a formal improvement plan for Edith Park.

Pedro provided an aerial view of Edith Park for Council. The park serves one of the main focal entrance points to the Town. It is located at the intersection of Fremont and Edith Road and approximately 1.5 acres in size with a land use designation of Recreation-Area-Public and zoning designation of Open Space Reserve. Given the substantial street frontage on two sides of the lot, the most useable area of the park was the approximate 100 feet in the center. Current features of the park included: Adobe Creek, pathways through the Park and the three pedestrian-equestrian access points.

Pedro reviewed the Staff's recommendations (goals) for the Edith Park Improvement Project. They included: 1) the creation of an attractive, low maintenance, drought tolerant landscaped entry to the Town; 2) to maintain or restore existing passive recreation features at the park including pathways, open space, picnic table, benches and trash

receptacle; and 3) to revegetate along the creek banks with appropriate riparian species as part of the second phase of the improvement project.

Pedro introduced Scott Vanderlip, Standing Parks and Recreation Committee member, to present the Committee's vision for the Park.

Vanderlip proceeded with a PowerPoint Presentation. He offered that the Open Space Committee had been included in the first round of discussions of potential improvements to Edith Park. However, their main focus had centered on the restoration of the creek frontage. They had not participated in the preparation of the proposal before Council.

Vanderlip reviewed the Committee's primary goals for the Edith Park Project. They included: some level of creekside native plant restoration similar to the Santa Clara Valley Water District's Reach 5 project; and the improvement of recreation and park amenities. Vanderlip cited improved creek access for children, community gardens and natural play areas for children and possible improvements to the site.

Vanderlip shared slides of the current condition of Edith Park and of the Committee's community park ideas. The proposed natural play areas included kid friendly climbing features such as trees and rocks. The concept for the community garden included the continuation of community plantings, gourd tunnels, and Park and Recreation gardening class projects. The gardens would require the installation of accessible water to the site.

In conclusion, Vanderlip offered that the costs for the proposal were minimal and suggested that in addition to the Council allocation of \$20,000, Park Bond funds and in-kind donations could be used for the project.

Council thanked Vanderlip and the Committee for their report and suggestions.

OPENED PUBLIC COMMENTS

Nancy Couperus, Open Space Committee member, offered that given the land use designation of recreation for the site, her committee's interest was primarily with the Adobe Creek restoration. The Committee was not seeking a major restoration of the creek but at some point would like the non-native "invasives" cleared from the creek bed.

Jitze Couperus, resident, explained that Edith Park had been included in the Open Space Initiative as a recreation site to prevent the sale of the parcel. He spoke to the importance of not constraining the overland water flow of Adobe Creek. The Reach 5 project had not been built to the 100 foot flood level.

Sue Welch, Open Space Committee member, concurred with Nancy Couperus that the Committee had little comment on the recreation development for the project. Speaking as a private citizen, Welch stated that it was her opinion that the site was not appropriate for a play area given the heavy traffic at the intersection. Additionally, she did not support the concept of the creek as a play feature and suggested that there could potentially be liability issues. Welch offered that Town Hall might be a preferable location for a community garden.

Richard Partridge, Open Space Committee member, applauded Scott Vanderlip for his energy and enthusiasm for the Edith Park Improvement Project. Speaking as a private citizen, he did not support the community garden concept for the site offering that they often become straggly and overgrown. He expressed his concerns about stream access tendered in the proposal. Partridge noted that the lack of parking and the heavy traffic were also negatives for the site.

Jean Struthers, Robleda Road, explained that she uses the Park path as a route to downtown Los Altos. It originated as a safe route for children to ride their bikes to school and avoid the very busy intersection. She encouraged Council to maintain the path. Struthers added that the site did not have a restroom or parking and was not appropriate as an intensive recreation area.

Susan Mandle, adjacent neighbor (Los Altos) to Edith Park, commented that she had been involved with the Adobe Creek Reach 5 Project. She had participated in the very early discussions with the Parks and Recreation Committee regarding the draft proposal for improvements to the site but had not seen the proposal before Council. She had advised her neighbors that they would have an opportunity to comment on the draft proposal before a second draft was prepared. Their input was not included in the presentation.

CLOSED PUBLIC COMMENTS

Council Discussion:

Councilmember Kerr commented that the Park was more appropriate for more urban recreation improvements than the Town's other designated Open Space lands. Kerr supported the installation of a water fountain at the site for walkers and bicyclists. He noted that the Park was the entrance to Town and should be an attractive cornerstone with improved landscaping with flowering natives and an attractive place to walk through. Kerr suggested that the installation of a bike rack might be warranted.

Councilmember Summit commented that she was very familiar with the Park and walked the area frequently. She opposed "creek play" given its proximity to Edith Bridge and private property. Summit noted that the Bridge was an attractive nuisance that would be difficult for children to avoid. She cited the heavy traffic at the intersection and lack of parking, as two factors in her support of the Park as a passive "through Park." She supported demonstration gardens at the Park as landscaping options citing drought tolerant gardens and hummingbird and bird gardens as examples. Summit offered that there was not adequate space for a community garden and equipment (tool sheds, etc.) that would be required to support a community garden project.

Mayor Pro Tem Warshawsky applauded the Parks and Recreation Committee on their review of potential improvements at the site. He noted that given its limitations including the site's size, lack of parking and heavy vehicular traffic, he favored minimal recreation improvements for the park. He preferred that the focus be directed to landscaping and improved signage as the entrance to the area.

Councilmember Larsen suggested that the Town staff, as time permitted, could be responsible for cleaning the Park. He supported minimal funds being appropriated for the Park.

Council consensus was to support goals 1 and 2 as presented in the staff report with the addition of a water fountain. Staff was directed to make the project cost effective, the plantings kid-friendly and to return to Council if additional costs were required for the identified goals. Additional direction was given to staff to return with an estimated budget for the re-vegetation of the creek bank.

10C. Discussion of Proposed Joint Use of Foothill College Practice Field and
Consideration of Formation and Charter of Ad Hoc Committee to
Represent the Town

Mayor Mordo introduced the item to Council. He reported that Foothill College had been approached to see if they would be amenable to the Town using their practice field if the Town financed the renovation of the field. The site is fenced and had adequate parking spaces available. A subcommittee of Mayor Mordo, Patti Radlo (Parks and Recreation Committee) City Manager Carl Cahill and Parks and Recreation Supervisor Eric Christensen was scheduled to meet with Foothill College on April 13th to discuss the project. Mayor Mordo noted that the Town had investigated the feasibility of soccer fields in the past and this particular opportunity was very promising. The Subcommittee would return to Council with a cost analysis of the project. There was a consensus that the project should be as cost effective as possible. Soccer groups could be approached at a later date, if warranted, to participate in the project.

10D. Status Report on Westwind Community Barn

Councilmember Mordo introduced the item. He advised Council that he had requested the item be placed on the agenda to afford the Supporters of Westwind Community Barn an opportunity to provide Council with an update on their fundraising efforts. Supporters President Jeanne Seeley had shared with the Mayor that the group had put their fundraising activities on hold. The group has raised approximately \$200,000.

Mayor Mordo reviewed the Council's options going forward for Westwind Barn given the status reported by the Supporters. The options included: 1) condemning and closing a portion of the barn (north wing) until the funds were available for the retrofit; or, 2) if the bids received by the Town for the retrofit of the facility were attractive, and if it made sense after a cost analysis and construction review to proceed with the limited project (north wing), the Supporters could be approached to see if they would be interested in participating in the project.

Mordo had asked Finance Director Nick Pegueros to prepare a feasibility analysis of the Barn functioning with fewer boarders (horses). Horses would be moved to other stalls if the north wing was condemned or scheduled for construction. Currently there were 7 stalls available in the Barn.

Finance Director Nick Pegueros provided a status report on Westwind Barn. He reviewed the current community programs at the Barn and the scheduled approved capital improvements. The community programs included: the Parks and Recreation private riding lessons/training; Year 'Round Riding Program; and, the 4-H Therapeutic Riding program. Pegueros noted that the Parks and Recreation private lessons coordinated by

the Town's Barn Manager were an important component of the Barn's financials. Capital Improvement projects included construction of the round-pen and the upper arena project. The projects were expected to bolster the viability of the community programs at the Barn.

Pegueros reviewed the boarding operations and boarding financials with Council. 73% of the barn stalls were occupied and the feeding pasture was full with a waitlist. The revenue/expense report that had been prepared for the discussion was for an eight month period. The budget had been predicated on a 90% occupancy rate and the boarding revenues reflected the current lower occupancy. However, the Town was proactively managing the expenses and working diligently to contain costs. The budget had allowed for a subsidy of approximately \$13,000 and as of February 28th the net surplus (deficit) was \$10,000.

Pegueros reported that the bid documents for the seismic retrofit of the Barn were currently being finalized by the structural engineer. Staff had requested that the bid documents have three different components. They included: retrofit of the north wing (top to bottom); with additive options of the south and east wing roofs and south and east wing roofs, walls, and foundation. The bid package was expected to be released in mid-June with the bid-opening scheduled for mid-July. The project would be returned to Council for their consideration; however, Pegueros noted that the bid process did not obligate the Council to take action. The primary reason for moving forward with the solicitation of bids was to ascertain a true cost basis for the retrofit of the facility to afford a more thorough evaluation.

Pegueros offered that the project funding was under review. Both private and grant monies would be investigated.

Pegueros summarized his findings on the operation of the Barn. Given the experience in operating the facility at the recent occupancy rate, it has become evident that the Barn could be operated at two distinct levels and break even with the current rental structure. The key variable was the number of hours and labor costs associated with the required cleaning of the stalls. The break even point, with no modifications to the operating structure and given the current rent was 34. Following an operational analysis, staff had determined that the facility could be managed with some significant modifications to the operations with 19 stalls rented. Changes to control labor costs at the lower occupancy included fewer turnouts and required some improvements to the paddock area.

In conclusion, Pegueros noted that the findings offered Council an alternative to repairing the north wing noting that the facility could remain open and viable with a reduction in boarding by closing the north wing and modification to the operations.

Council Discussion:

Council discussion ensued. There was a consensus that it was "good news" and reassuring that there was a way to hit the financial target with fewer horses and that despite the current economic times; the Barn could be financially viable. It was noted that the Barn was a more vibrant community place with more horses and people using the facility. The location of the bathrooms, Sheriff's Substation and Barn Manager's office in

the north wing could potentially be problematic if the wing were to be closed or condemned. Staff was directed to move quickly to get the project out to bid to permit a better understanding of the costs associated with the project.

COUNCIL RECESSED AT 9:25 P.M.

COUNCIL RECONVENED TO OPEN SESSION AT 9:40 P.M.

- Sewers and Infrastructure

- 10E. Consider a Resolution Authorizing the City Manager to Execute and Agreement with Manatt, Phelps & Phillips, LLP for Consulting Services in an Amount Not-To-Exceed \$15,000 (Staff: N. Pegueros)

Councilmember Larsen recused himself from consideration of this item and stepped down from the dais.

Finance Director Nick Pegueros introduced the item to Council. The item before Council was consideration of a resolution that would authorize the City Manager to execute an agreement with Manatt, Phelps & Phillips, LLP for consulting services in an amount not to exceed \$15,000.

The agreement before Council called for the consultants to assist staff in the development and implementation of a strategic plan to secure either state or federal funds for a variety of needs identified in the Town. These included the seismic retrofit of Town facilities, roadway stabilization and sewer “backbone” expansion.

Staff had received three proposals from consultants that had provided advocacy to other Bay Area cities in securing funding. In staff’s evaluation, the proposal from Manatt, Phelps & Phillips, LLC (Manatt) was the best situated to assist the Town through the state and federal funding processes. The firm had offices in Washington, D.C. and Sacramento. Pegueros noted that all of the firms had required a contract based on a retainer basis and fees. The industry standard guided by state and federal regulations did not support a service contract with compensation via a success fee as had been suggested by Council during the previous discussion of the subject at the last Council meeting.

In conclusion, Pegueros explained that if Council agreed to move forward, over the next several weeks, Manatt would work with Town staff to identify and organize political and community leaders to pursue federal funds, either at the state or federal levels. Manatt would then develop a strategy for how to most effectively pursue funding for the Town priorities. Included in the plan would be a timeline and budget estimate.

Council Discussion:

Council consensus was to move forward with the consultant’s agreement. They offered that it was important to take a proactive stance in securing regional and federal stimulus funding.

City Manager Cahill advised Council that there would be expenses associated with retaining this type of advocacy and there was the possibility that staff would be returning

to Council for additional requests. He noted that moving forward with the consultant did not guarantee success.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Summit and passed unanimously to approve Resolution No. 17-09 authorizing execution of the agreement with Manatt, Phelps & Phillips, LLP for consulting services in an amount not to exceed \$15,000. (*Councilmember Larsen recused himself from consideration of this item and did not participate in the vote*)

Councilmember Kerr queried David Herbest, Manatt, Phelps & Phillips, LLP, on the requirements for AB 811 financing and federal loan guarantees from the Department of Energy. Herbest offered that he would seek information from members of his firm in the Washington, DC office.

11. Consideration of the Proposed Procedure for Appointment of VTA Members from the six “North County” Cities

Councilmember Kerr advised the Council that a meeting of the North County cities had been scheduled to discuss the proposed procedure for appointment to the VTA Board of Directors. He recommended that ideas that could potentially benefit the Town be brought forward at the meeting. The North County cities would be selecting the member representative to the VTA Board in November. In the interim, Kerr suggested that it would be advisable to appoint a Council representative to the VTA Policy Advisory Board. Councilmember Larsen volunteered to serve. Staff was directed to agendize the appointment at the next meeting to formalize the appointment. Council concurred with the recommendation of Councilmember Kerr regarding eligibility amendments to the proposed procedure for appointment and the selection process.

NEW BUSINESS

12. Selection of Delegate – ABAG General Assembly and Business Meeting
(Staff: K. Jost)

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to appoint City Manager Carl Cahill as the Town’s Delegate to the ABAG General Assembly and Business Meeting.

13. Financial Assistance Application for a Financing Agreement from the State Water Resources Control Board and Consideration of Resolution Authorizing the City Engineer to Sign and File the Application on Behalf of the Town (Staff: R. Chiu)

City Engineer Richard Chiu advised Council that the State Water Resources Control Board would be receiving stimulus funding from the federal government as part of the American Recovery and Reinvestment Act of 2009. To be eligible for the resources the Town was required to adopt the resolution included in the Council packet.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Warshawsky and passed unanimously to adopt Resolution No. 18-09 authorizing the City Engineer to

sign and file an application for financial assistance to the State Water Resources Control Board on behalf of the Town.

14. Consideration of Traffic Study – Altamont Road (cross street Altamont Lane)
(Staff: R. Chiu)

City Engineer Richard Chiu introduced the item to Council. The discussion had been placed on the agenda in response to recent inquiries as to the safety of the section of Altamont Road adjacent to the Lands of Seton near Altamont Lane. Sheriff's records indicated that of the 12 reported accidents that had occurred over the past 4 years, 10 of the 12 had involved bicycles only, with 9 of the accidents involving unsafe speeds. Staff was recommending a safety study to analyze the roadway and determine if any safety improvements were warranted. Chiu shared several slides of the road and guardrail with Council. The guardrail had been installed by the Lands of Seton when they had removed the eucalyptus trees adjacent to the roadway. A proposal from consultants Fehr & Peers was included in the staff report.

Captain Terry Calderone, Santa Clara County Sheriff's Office, addressed Council. He acknowledged that the majority of the accidents on that section of the road involved bicyclists and were a result of excessive speed.

Council discussion ensued. They concurred that the road could be challenging for bicyclists but that the guardrail was probably good for automobiles. Calderone suggested several different options that might be considered. They included improved signage and the use of a more flexible product for the guardrail.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to authorize the proposed road safety study for Altamont Road.

PLANNING COMMISSION REPORT

15. Notification of Planning Commission Approvals:

- A. LANDS OF LIN: 26326 Esperanza Drive (File #60-07-ZP-SD-GD); A Request for a Site Development Permit for a new 5,350 square foot two-story residence with a 2,003 square foot basement and a 680 swimming pool. CEQA Review-Categorical Exemption per Section 15303 (a) and (e) (Staff: N. Horvitz)
- B. LANDS OF KAHNG: 26750 Robleda Court (File #247-08-ZP-SD-GD); A Request for a Site Development Permit for a new 5,516 square foot two-story residence with a 3,623 square foot basement, a 746 square foot swimming pool and a 442 square foot cabana. Grading policy exceptions for the cabana, the driveway, the backup area adjacent to the basement garage and portions of the side and rear yards. CEQA Review-Categorical Exemption per Section 15303(a) (Staff: D. Keyon)
- C. LANDS OF LIU: 27755 Edgerton (File #166-08-ZP-SD-GD); A Request for a Site Development Permit for a new 4,979 square foot two-story residence with a

803 square foot basement and the removal of 6 heritage oak trees. CEQA Review-Categorical Exemption per Section 15303 (a) (Staff: D. Keyon)

Planning Director Debbie Pedro reviewed the Planning Commission actions at their March 5, 2009 meeting. Council had before them the staff reports and conditions of approval for the reviewed projects. Pedro advised Council that the Planning Commission approval for Lands of Liu had been appealed and would be forwarded to them for their consideration at the April 23, 2009 Council meeting.

REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

16. 2009 Westwind Barn Hoedown Proposal–Parks and Recreation Committee

Kathy Evans, Parks and Recreation Committee member addressed Council. Council had before them a proposal from the committee for the annual Hoedown at Westwind Barn. Evans clarified that this year's event would not be a fundraiser for the barn but would have a community theme with kids and family activities. The funding request was for \$3010. Evans offered that the event would be free and open to the public however, there would be a charge of \$35 for dinner. Dinner tickets would be sold prior to the event. Evans offered that the committee would like to make this a yearly event and will be requesting a funding appropriation allocation for the Hoedown in the Town's annual budget.

Evans commented that she would be happy to handle the reservations. There would be no requirement for staff time.

Mayor Mordo noted that the event as proposed was specific to this year. The expectation was for the event to return to its original format next year and not require a subsidy. He reiterated that this was a onetime cost and Council approval would not commit them to annual subsidy.

Finance Director Nick Pegueros advised Council that the budget amendment to be considered by Council should include the cost for the dinner estimated at approximately \$5,483. The total funding request for the event was \$8,500 with the expectation that there would be a recovery of a portion of the budgeted amount from the dinner. However, the Council should be aware that there was no guarantee that the costs would be recaptured due to the requirement to pay for the catered dinner in advance.

Pegueros explained that if the staff were to be responsible for the registrations through the Park and Recreation online system as recommended in the proposal, the cost would be \$4.50 per registration. This was not factored into the proposed budget.

Evans clarified that she had only proposed use of the Parks and Recreation online system in her memo to Council. She volunteered to handle the reservations herself via her personal email. No staff time was required for the Hoedown.

Council thanked Evans for her effort on the event.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Summit and passed 4-0-1 with Mayor Pro Tem Warshawsky abstaining; to appropriate \$8,500 for the 2009 Hoedown.

17. Donor Wall Proposal – Duffy Price, Former Chair Donor Wall Committee

Duffy Price, Former Donor Wall Committee Chair addressed Council. Price provided an overview of the Donor Wall project. The project was created as the first voluntary public art project for the Town in 2004 when the new Town Hall was built. Donated funds recovered from the project helped to pay for the serpentine wall and landscaping of the New Town Hall. To date, \$131,300 has been raised by the project. The Town has continued to advertise the availability of participation in the project to residents in the Town's Newsletter and at Town Hall with limited interest.

Price was before Council with a proposal to move forward with the second phase of the project-the completion of the unfinished wall. Resident Karen Druker, Town volunteer Art Curator, had offered a donation to underwrite the purchase of the materials and studio time to accomplish the completion of the Donor Wall tile project. Price proposed that letters first be sent out to everyone that had purchased a tile via a donation to advise them that they needed to make their tiles by a date certain. She noted that weather, climatic conditions and potential vandalism were all concerns if the wall remained in its current unfinished condition. The concrete was not sealed and had started to leech through some of the wall tiles. Druker has proposed that the tiles be offered free to residents or an offer be extended to schools.

Council discussion ensued. They concurred that it was appropriate to first advise the residents that had made a donation to complete their tiles, and then accept the donation and proceed with Phase II and complete the wall by extending an offer to the schools. Guidelines for the tile art would be provided to the schools.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Warshawsky and passed unanimously to accept the donation from resident Karen Druker and proceed with the completion of the Donor Wall.

STAFF REPORTS

City Engineer

- Sewers: Fees and Procedures for Connection Permits, Annual Sewer User Charges (via the Tax Roll) and Penalties (Verbal Report-Staff: R. Chiu)

City Engineer Richard Chiu provided an overview of the changes that had been incorporated into the sewer usage program to ensure that the appropriate charges were collected and all connected properties were added to the tax rolls. A quarterly report would be prepared identifying properties that had connected to the sewer. In July, when the annual formal report was sent to the County for the tax roll, the report would be

checked against the quarterly reports to guarantee that all new connections were added to the tax rolls. Chiu explained that the sewer map that identified all connected parcels and the tax roll would be reviewed and compared every two years.

Chiu reported that the majority of the properties that owed usage fees (not connection fees) were a result of the transfer from the City of Los Altos to the Town of Los Altos Hills when the Sewer Agreement between the two jurisdictions was approved.

Chiu added that staff was currently investigating the possibility of levying penalties for illegal connections to the sewer system. As a follow up to his report at the last Council meeting, Chiu advised Council that the letters to residents identified as owing sewer fees was to be mailed out next week.

City Manager

City Attorney

City Clerk

No additional staff reports were given.

COUNCIL INITIATED ITEMS

18. Consideration of Request for Sponsorship of the 4th Annual Summer Concert Series at Hidden Villa - Councilmember Kerr

Marc Sidel, Associate Director of Development at Hidden Villa, addressed Council. He thanked the Council for the opportunity to present this year's request for sponsorship of the Summer Concert. The Town has been a significant part of the program since its inception in 2005. This year, Hidden Villa was "scaling back" the series to a single concert. The free Summer Concert was scheduled for July 26th with the Joe Sharino Band as the evening's entertainment. The proposal before Council was consideration of the Town's continuation as a "presenting Sponsor" with a sponsorship of \$5,000. Proceeds from the concert would go directly to camps and community programs at Hidden Villa.

Council applauded the efforts of Hidden Villa with the community event. They concurred that the reduced donation request of \$5,000 from the \$10,000 in previous years was very much appreciated.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the Town's participation in the Hidden Villa Concert as a "Presenting Sponsor" with a sponsorship of \$5,000 and to direct staff to make arrangements with the Sheriff to monitor traffic at the event and to pay the associated overtime costs.

19. Municipal Solar Financing under AB 811 – Councilmember Kerr

Councilmember Kerr introduced the item to Council. He reported out that the Environmental Initiatives Committee was investigating options under the AB 811 legislation for public agencies to finance solar systems. The public agency would recover the funding on the properties tax bills. Kerr advised the Council that staff time

was being used to support the investigation. The expectation was that the program could potentially double the number of new solar system installations in the Town.

Kerr noted that staff had reviewed the program and had expressed concerns on the possible subsidy that might be needed from the Town and staff time that would be required to process the projects. Kerr explained that an effort was being directed at eliminating the two identified negatives. A potential strategy that might avoid the issues was the formation of a JPA with other cities or the use of a third party agency to administer the program. Estimated public financing for 100 new solar systems was approximately \$4-5 million. Kerr noted that he would return to Council when the issues had been resolved for further discussion.

20. Consideration of Participation in the 2009 Shop Los Altos Campaign –
Mayor Jean Mordo

Mayor Mordo introduced the item to Council. Mordo offered that he was bringing forward the discussion of Town participation in the “economic stimulus” program for Downtown Los Altos following a discussion with Los Altos/Los Altos Hills Chamber President Julie Rose. The proposed campaign would market shopping, dining and the goods and services available in Los Altos. Total estimated cost of the campaign was \$26,500. Mordo suggested that the Council consider a \$3,000 donation, adding that the downtown area was also the Town’s downtown district.

Council discussion ensued. Councilmember Summit supported the proposal and noted that having a viable downtown was of value to the Town. Mayor Pro Tem Warshawsky offered that he shopped and supported the businesses in Los Altos; however, he believed it would be more appropriate to consider the sponsorship when the Council reviewed their grants to non-profits. Councilmember Larsen supported the proposal on a one time basis. Councilmember Kerr concurred that he shopped in Los Altos first; however, he would prefer to spend the Town’s funds on the Town’s parks and recreation needs.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Summit and passed by the following voice vote to participate in the “Shop Los Altos Campaign” with a contribution of \$3,000.

AYES: Mayor Mordo, Councilmember Larsen, Councilmember Summit
NOES: Mayor Pro Tem Warshawsky, Councilmember Kerr
ABSENT: None
ABSTAIN: None

ADJOURNMENT

There being no further business, the City Council meeting was adjourned by consensus of the Council at 10:50 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the March 26, 2009 regular City Council meeting were approved as corrected at the April 9, 2009 regular City Council meeting.